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APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/973,103	10/09/2001	Yury Shkolnikov	13414.70	1300	
7590 07/11/2005			EXAM	INER	
Lisa M. Soltis			KWON, JOHN		
Illinois Tool W 3600 West Lake		ART UNIT	PAPER NUMBER		
Glenview, IL 60025			3747		

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	-	Application	on No.	Applicant(s)	γ.		
Office Action Summary		09/973,10	03	SHKOLNIKOV ET AL.			
		Examiner	•	Art Unit			
		John T. K		3747			
- Period fo	- The MAILING DATE of this commun r Reply	ication appears on the	cover sheet with	the correspondence address	SS		
THE N - Exten after S - if the - if NO - Failur Any re	DRTENED STATUTORY PERIOD F MAILING DATE OF THIS COMMUN sions of time may be available under the provisions SIX (6) MONTHS from the mailing date of this comm period for reply specified above is less than thirty (3 period for reply is specified above, the maximum st e to reply within the set or extended period for reply eply received by the Office later than three months of d patent term adjustment. See 37 CFR 1.704(b).	ICATION. of 37 CFR 1.136(a). In no evenunication. iii) days, a reply within the state atutory period will apply and with will, by statute, cause the apple.	ent, however, may a rep utory minimum of thirty (ill expire SIX (6) MONTH lication to become ABAN	ly be timely filed 30) days will be considered timely. IS from the mailing date of this commu	inication.		
Status							
1)[🛛	Responsive to communication(s) file	ed on 19 May 2005.					
· —		2b)☐ This action is n	on-final.				
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition	on of Claims						
5)⊠ 6)⊠ 7)⊠	Claim(s) <u>1-16</u> is/are pending in the a 4a) Of the above claim(s) is/a Claim(s) <u>15 and 16</u> is/are allowed. Claim(s) <u>1-12 and 14</u> is/are rejected Claim(s) <u>13</u> is/are objected to. Claim(s) are subject to restric	re withdrawn from co					
Application	on Papers			•			
10) 🔲 🗆	The specification is objected to by the five drawing(s) filed on is/are. Applicant may not request that any objected to the oath or declaration is objected to	: a) □ accepted or b) ction to the drawing(s) b the correction is require	e held in abeyance ed if the drawing(s	e. See 37 CFR 1.85(a).) is objected to. See 37 CFR 1	• • •		
Priority u	nder 35 U.S.C. § 119						
a)[Acknowledgment is made of a claim All b) Some * c) None of: 1. Certified copies of the priority 2. Certified copies of the priority 3. Copies of the certified copies application from the Internation ee the attached detailed Office actions.	documents have bee documents have bee of the priority docume anal Bureau (PCT Rule	n received. In received in Appents have been re e 17.2(a)).	olication No eceived in this National Sta	ge		
2) Notice 3) Inform	(s) of References Cited (PTO-892) of Draftsperson's Patent Drawing Review (Footbook of Disclosure Statement(s) (PTO-1449 or No(s)/Mail Date 5/31/05.		Paper No(s)/	nmary (PTO-413) Mail Date rmal Patent Application (PTO-152	2)		

Application/Control Number: 09/973,103

Art Unit: 3747

DETAILED ACTION

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Sorenson (US 3 938 543).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters (US 5 954 029). Peters discloses a metering chamber (34) between an inlet (72) and an outlet (16). A means for adjusting the internal volume of the metering chamber (28) is a plunge means and is accessible to the outside of the housing. The difference between the prior art reference and the instant invention is the provision of manually adjusting means, the sleeve, specific mounting means (i.e., thread connection), and the operational direction of the plunger. It would have been considered to be an obvious choice of mechanical design because one skilled in this art is familiar with basic fluid mechanic and normally has the laboratory test facilities. To optimize or select the suitable sleeve, mounting means, and the operational direction of the plunger would be within the ability of ordinary skilled in this art. Regarding the provision of a manual adjustment, it would be an obvious matter of mechanical design to convert from the automatic device to a manual device.

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Claims 4-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Sorenson (US 3 938 543). Sorenson discloses a fluid control device with an adjustable chamber
(630) with a means for manually adjustable member (632) located from the inside to the outer
side of the chamber. The difference between the prior art reference and the instant invention are
the usage of the tool such as fuel metering device and the provision of a sleeve. It would have
been considered to be an obvious choice of mechanical design because one skilled in this art is
familiar with basic fluid mechanic and normally has the laboratory test facilities. To optimize or
select the suitable usage of the tool, and the provision of a sleeve would be within the ability of
ordinary skilled in this art.

Allowable Subject Matter

Claim 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 15 and 16 are allowed.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John T. Kwon whose telephone number is (571) 272-4846. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on (571) 272-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Primary Examiner

Art Unit 3747